

REMARKS

By this Amendment, Applicant amends claim 1 to incorporate allowable subject matter of claim 3, and cancels claim 3 without prejudice or disclaimer of the subject matter thereof. Applicant has also amended claims 2 and 4-9 to further improve readability. Claims 1, 2, and 4-23 are currently pending, with claims 10-23 withdrawn from further consideration, and claims 1, 2, and 4-9 presented for examination.

In the Office Action mailed on January 10, 2005, the Examiner objected to claim 3 as being dependent upon a rejected base claim, but indicated that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim. The Examiner also rejected claims 1, 5, and 6 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. JP-05259936A to Kusano et al.; rejected claims 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Kusano et al. in view of U.S. Patent No. 5,133,081 to Mayo; and rejected claims 7-9 under 35 U.S.C. § 103(a) as unpatentable over Kusano et al.

Regarding the Rejections

Applicant respectfully traverses the Examiner's rejections under both 35 U.S.C. § 102 and 103. In order to expedite prosecution of this case, however, Applicant has amended independent claim 1 to incorporate allowable subject matter in claim 3. Claim 1 is therefore immediately allowable. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1.

Because claims 2 and 4-9 depend from claim 1, claims 2 and 4-9 are therefore also allowable for at least the same reasons stated above in regard to claim 1. Applicant therefore also respectfully requests withdrawal of the rejections of claims 2 and 4-9.

Regarding Applicant's Priority Claim

The Examiner indicated "that applicant has not filed a certified copy of the 2000-22558 application as required by 35 U.S.C. 119(b)." (Office Action at 2.) Applicant respectfully points out that "the requirement for a certified copy may be fulfilled by providing a certified copy to the International Bureau, and the International Bureau forwards a photocopy of the certified priority document when it forwards a copy of the international application to each Designated Office. . . . The examiner should acknowledge in the next Office action that the certified copy of the foreign priority document has been filed." M.P.E.P. § 1893.03(c).

As evidenced by the attached PCT form PCT/IB/304 "Notification Concerning Submission of Transmittal of Priority Document," Applicant filed a certified copy of the 2000-22558 application with the International Bureau on May 24, 2001. Accordingly, Applicant respectfully requests that the Examiner withdraw the requirement for submission of the certified copy of Applicant's priority document.

Conclusion


In view of the foregoing amendments and remarks, Applicant respectfully requests entry of this Amendment and a timely issuance of a Notice of Allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Wenye Tan
Reg. No. 55,662